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REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Study on the effects of racial discrimination on the children of minorities and those of migrant workers in the fields of education, training and employment

Report of the Secretary-General

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Introduction

1. In its resolutions 52/111 and 53/132, the General Assembly requested the Secretary-General to continue the study made in 1987 on the effects of racial discrimination on the children of minorities and those of migrant workers in the fields of education, training and employment and to submit specific recommendations for the implementation of measures to combat the effects of that discrimination.

2. Acts of racial discrimination are identified on the basis of the definition of racial discrimination contained in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. Article 1 states that racial discrimination refers to "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". In particular, racial discrimination includes a distinction that has either the purpose or the effect of impairing particular rights and freedoms.[1] Similarly, racial discrimination includes an action that has an unjustifiable disparate impact upon a group distinguished by race, colour, descent or national or ethnic origin.[2] The definition was chosen as the foundation of this report on the basis that the Convention has been widely accepted by the international community as the major human rights instrument relating to racial discrimination.[3]

3. The identification in this report of acts of racial discrimination and their effects relies on the application of this definition to the contents of the initial and periodic reports to the human rights treaty bodies and their concluding observations thereon. The study also draws on specific examples of racial discrimination from both United Nations and major non-governmental organization (NGO) sources as a means of illustrating the issues identified by the committees.[4] In particular, reference is made to the reports of the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Rights of the Child (CRC), and to a lesser extent, the Committee on Economic, Social and Cultural Rights (the treaty bodies). The review of treaty body reports covers a period from 1994 to late 1999. The treaty body reports were chosen as a source of information on the basis of their status as an authoritative collection and analysis of information supplied by States parties pursuant to the major international human rights instruments in the field.[5]

4. The report does not rely on any particular definition of "child", "migrant worker" or "minority". Instead, the review of the treaty body reports merely extracted information where those terms appear, as used by the treaty body themselves.

I. THE EFFECTS OF RACIAL DISCRIMINATION ON CHILDREN OF MINORITIES AND MIGRANT WORKERS IN THE FIELDS OF EDUCATION AND TRAINING

A. Acts of racial discrimination

5. Racial discrimination against children in the field of education and training manifests itself in many ways. It can be institutionalized in education policy, or it can result from the

actions of individuals - teachers, other figures of authority or fellow students. It can be overt, in the sense that a policy or action actively prejudices certain children, or it can be covert, where, for example, a failure to take action or change policy causes racial discrimination against a child.

6. It is impossible to provide a comprehensive list of the categories of acts that constitute racial discrimination against migrant or minority children in the field of education and training. Research in this area is scant, and tends to focus on some countries or minorities to the neglect of others. Statistics and other relevant data are even more sparse. Statistics that specifically target children of migrants and minorities are uncommon, while statistics that target children generally are only rarely disaggregated according to racial, ethnic, minority or migrant status.[6]

7. This lack of research and data makes it difficult to identify the phenomenon of racial discrimination against children throughout the world with any precision. The following list of acts constituting racial discrimination is therefore not intended to be exhaustive. Instead, it draws upon those sources that are available and reliable in order to illustrate to some extent racial discrimination in this field.

8. Education policy that attempts to assimilate minority and migrant children within the majority can be one of the most damaging forms of racial discrimination and can lead to a denial of the rights to culture, to education and to freedom of expression. Indigenous peoples have been particularly hard hit by the assimilation policies of many Governments. This fact was noted during the sixteenth session of the Working Group on Indigenous Populations in 1998 which had as its focus education and the language of indigenous peoples.[7] Representatives of many indigenous communities referred to assimilation policies in education that emphasize use of the official language in schools. The exclusion of indigenous languages denies the link existing within many indigenous cultures between language, culture and land; further, it denies the specificity of local educational systems in addressing the needs of indigenous communities for their survival.

9. Assimilation policies practised by some States have been particularly repressive. Assimilation policies forced on Kurdish minorities are a case in point. Currently, in one country, teachers can be arrested for acknowledging the existence of Kurdish language and culture.[8] In the same country, Kurdish children have been beaten for speaking Kurdish instead of the mainstream language at school, even in situations where they could think of a particular word only in Kurdish.[9]

10. Similarly, education policy that overemphasizes the majority culture, history or language in school curricula can actively promote or produce racial discrimination. For example, in one country in South Asia that is populated by disparate religious minorities, history texts have been revised to promote the perception that some minorities, in particular Muslim minorities, are non-indigenous outsiders. This denies the reality that the overwhelming proportion of Muslims and other religious minorities in the country are from indigenous backgrounds that at one stage or another chose to convert to religions outside the mainstream.[10] The revision of curricula in this way leads to racial discrimination on several levels. First, members of a purely religious minority are denied their national origins through a redefinition that labels them non-indigenous. Consequently, religious minorities suffer an added layer of social exclusion from mainstream

society as national or even racial minorities. Further, the racist stereotyping and targeting of Muslims as "fanatics" can, in turn, create an environment that is likely to foster or promote higher levels of xenophobia and racism.

11. The segregation of minority and migrant children from mainstream classes can also constitute an act of racial discrimination. CERD, in particular, has noted the practices in some States of the segregation of children on the basis - either in part or in whole - on their identification with minority or migrant communities. Practices noted have included: (a) the segregation, without proper justification, of children into special schools for the mentally handicapped; (b) the separation of children into remedial classes without their or their parents' consent; (c) the separation of children at meal times; (d) the separation of children when they matriculate through requiring them to graduate at different ceremonies.[11] For example, in Europe, while many Roma children do study in mainstream public schools together with non-Roma children, they are often forced to sit in the back rows of the classroom. Similarly, non-Roma children are discouraged from befriending Roma children as majority opinion holds that "they do not come from a good family".[12]

12. Another manifestation of racial discrimination against the children of minorities and migrant workers is the denial of access to education and training. The denial - on the basis of race, colour, descent, national or ethnic origin - of the right of children to access education and training has been noted by CERD and by the Committee on the Rights of the Child (CRC).[13] For example, in the case of some minority communities, the committees have observed that there are insufficient schools in the area or region to cope with the number of children in the communities.[14] Even where there are sufficient schools in the community, in some cases, a failure to subsidize education sufficiently can mean that children are unable to access education as parents cannot pay the costs associated with sending children to school.[15]

13. In some cases, racial discrimination occurs through the inclusion of racial stereotyping in educational and training materials. For example, a textbook used in one European country to teach children the alphabet is translated as follows: "the Gypsy has stolen the goose". By placing a racially discriminatory comment in the general educational context in this way, children are taught to accept racial stereotyping as the norm, or as the truth. Exposing children to racial stereotyping, especially at an early age, consolidates racial discrimination and perpetuates racial stereotypes as a norm within a society.[16]

14. Racist violence constitutes an extreme form of racial discrimination with serious consequences for the enjoyment of human rights by children. Violence against minority and migrant children can be inflicted by government authorities or by other children. In Europe, growing racial tensions in the community generally are being mirrored by increasing racism and the use of violence amongst children at school.[17] On another level, foreign occupation can dramatically increase the vulnerability of children to official racist violence. A recent report on children in one country of the Middle East notes that military occupation authorities had continued raiding schools and institutions attended by minority children throughout 1997 and 1998.[18]

15. Acts of racial discrimination are not confined to active discrimination against minority and migrant children. The failure to act or prevent racial discrimination can also be considered

an act of racial discrimination. Thus, the failure to prevent racial discrimination through education and training and even the failure to address issues relevant to the enjoyment of human rights by children of minorities and migrants can constitute racial discrimination in certain cases. Such acts can include the failure to provide school and training curricula that are relevant to the needs of the children of minorities and those of migrant workers. These acts will be acts of racial discrimination where the failure to act can be considered a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin that denies those children human rights that are enjoyed by children from the majority - for example, equal enjoyment of the right to education, the right to freedom of expression, the right to culture and so on.[19] Such acts of omission include: (a) the failure to provide bilingual classes where appropriate; (b) the failure to provide additional classes in the official language where children are having difficulty following classes because of language problems; and (c) the failure to reflect cultural diversity in school and vocational training curricula.

16. Another act of omission which might amount to, or can lead to racial discrimination against children of minorities or migrant workers is the failure to provide teacher training that addresses the particular needs of the culturally diverse classroom. Racial discrimination can result from the absence of specific training for teachers that sensitizes them to issues of cultural diversity as well as enabling them to combat racial discrimination in the classroom. Teacher training in cultural diversity can assist teachers to dispel racist myths that could appear in the classroom. Further, teachers who have been sensitized to different cultures have a greater capacity to deal with racial tensions in the classroom and to offer support to minority children.[20]

17. Similarly, the failure to provide adequate finance to support education for all children, including special programmes for children from minority or migrant backgrounds, can amount to racial discrimination. In one European country, CERD discouraged targeting special programmes for the children of minority and migrant backgrounds for budget cuts.[21] CERD noted that austerity measures affected remedial instruction that was particularly important to the minority group. Where austerity measures have an unjustifiable impact upon the enjoyment of the human rights of a particular group such as a minority or on migrants, such measures are racially discriminatory.

B. The effects of racial discrimination

18. Racial discrimination in the fields of education and training can have diverse effects on children. Importantly, the effects of racial discrimination can differ in accordance with many factors, especially the personal aptitudes of particular children as well as their socio-economic and cultural backgrounds. The subjectivity of the effects of racial discrimination, together with the lack of research undertaken in this area and the lack of data on children disaggregated by race and ethnicity, make it difficult to identify definitively the effects of racial discrimination on children. The following section identifies some of the possible effects that might flow from the acts of racial discrimination identified above.

19. One of the most identifiable effects of racial discrimination in education and training is the negative impact it has on the performance of children at school. The failure to address the needs of minority children and those of migrant workers through, for example, combating racial stereotyping or through formulating school curricula that include modules on minority languages

and cultures, can lead to school curricula which lack relevance for those children. As a result, children may lose interest and become bored at school which in turn increases the risk that children will drop out early or even fail to attend school at all.[22] The failure to provide curricula adapted to the specific needs of the children of minorities and migrant workers can also lead to low literacy rates amongst these groups.[23] Similarly, where a child does not have an adequate grasp of the official language, the failure to provide additional language classes in the official language and to provide classes in minority or migrant languages could have the effect of retarding the progress of those children through school.

20. While it is not possible to draw definitive links between racial discrimination in education and the performance of minority children at school, recent statistics indicate a disparity between general attendance and performance levels of minority children and those of the general population.

21. For example, school attendance rates for Roma in one European country are consistently much lower than the national averages. According to recent statistics there, over 20 per cent of Roma children receive no formal education at all and 30 per cent of children in the 7-10 age group do not attend school. While poverty is one reason for the low rates of attendance, the report identifies the "stigma" attached to being Roma as a significant reason for low attendance rates at school.[24]

22. The lower attendance rates of Roma tend to be mirrored in statistics that are available concerning migrant children. In one northern European country, for example, the drop-out rate for national students at secondary school level was only 4.5 per cent while for migrant children, the rate was considerably higher at 45 per cent.[25] In another European country, attendance at upper secondary school in 1997 was 89 per cent generally; however, only 50 per cent of migrant children were attending upper secondary school.

23. Indigenous children, in particular, have alarmingly high rates of non-attendance at school. In two Latin American countries with significant indigenous populations, 70 per cent and 56 per cent respectively of the indigenous populations did not attend school. In the second of these countries, 65.5 per cent of the indigenous communities did not have schools at all.[26]

24. In South-East Europe, where most countries have significant minority populations, the lowest attendance rates at school are of children of ethnic minorities although in some countries this situation is improving. In the former Yugoslav Republic of Macedonia, where the ethnic mix includes Macedonian, Albanian, Turkish and Serbian groups, the numbers of ethnic Albanians attending school to secondary level is increasing, although there is still a disparity with the majority Macedonian population. While the percentage of Macedonian and Albanian children at primary school is 68.48 per cent and 29.94 per cent respectively, at secondary school, the percentage rates are 85.29 per cent and 14.04 per cent.[27]

25. Even where children attend school, there can be marked differences in performance. In North America, African American, Hispanic and indigenous populations consistently lag behind White and Asian students in proficiency tests.[28] While the reasons behind low performance rates

among children belonging to these communities are complex, racial disparities and the failure of national education policies to address the needs of these communities must be considered as contributing factors.

26. A potential long-term effect of failing to provide adequate curricula for all children can be the exclusion of children from certain levels of opportunity in society later in life. For example, racial discrimination against children in education and training can affect the capacity of children to proceed to tertiary education.[29] Similarly, racial discrimination in education and training diminishes the employment prospects of children. In some communities, racial discrimination in education can weaken the chances of the affected children finding work later in life, leading to higher than average unemployment rates in the community.[30] In this way, racial discrimination in education and training creates a sub-class of citizens within society which in turn could lead to further manifestations of racial discrimination.

27. Another long-term effect of racial discrimination is that children learn to accept acts of racial discrimination as the norm. Such learnt behaviour can lead to the consolidation of racial discrimination within society as the norm, with children of minorities or migrants growing up and discriminating against the newest influx of migrants. Thus, a vicious cycle of discriminatory behaviour is produced which reinforces racially discriminatory behaviour.

28. The forced segregation of children of minorities and migrant workers from other children can have serious negative effects on the capacity of these children to integrate with other children and into the society in general. In particular, segregation of children into schools for mentally handicapped children can severely retard the child's progress through school and can affect his or her self-image. It has been noted by CERD that forced segregation of children can result in children never learning properly, with predictable negative long-term effects.[31] The effect of racial discrimination has, unsurprisingly, been an increasing level of illiteracy amongst certain groups.[32]

29. Another effect of racial discrimination can be the loss of minority and migrant cultures themselves. Racial discrimination can lead to a lack of respect for the language and culture of a minority or migrant culture and might discourage instruction of children of these communities in particular languages and cultures. In some cases, this can lead to disinterest in maintaining minority or migrant languages and cultures, a desire to integrate too rapidly with the dominant culture and the eventual loss of cultural identity and diversity.[33] The resulting inability to communicate effectively in traditional languages along with an incomplete grasp of the official language creates a class of children that are torn between two cultures, being part of neither.[34] For some children, the effects of racial discrimination can have serious psychological implications. Forced to participate in the dominant culture at school and then readjust to their own culture at home, children inevitably face a conflict in loyalties that can give rise to profound psychological and identity problems.

30. In particular, the assimilation policies in education of many Governments continue to have particularly devastating effects on children, and in particular those from indigenous cultures. Assimilation policies break the transition of culture and language from older to younger generations which has the effect of alienating indigenous children from their society and

engendering an identity crisis within indigenous communities.[35] A UNICEF report of 1997 noted that standardized education for indigenous children in Australia and Canada had led to a traumatizing loss of identity and a predisposition to despair and even suicide.[36]

31. The failure to foster minority cultures and combat racial discrimination through education and training misses a fundamental opportunity to combat racial discrimination and ultimately detracts from the education of the majority as well as of minorities and migrants. Under article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties undertake to adopt measures in the field of education with a view to combating prejudices that might lead to racial discrimination. A fundamental element of combating racial discrimination through education is the sensitizing of all cultures - majority and minority - to the particularities of a culturally diverse society. In this way, the education system can foster a learning environment of harmony between cultures and respect for diversity. This in turn is important not only in redressing racial imbalances in the education system, but in combating prejudices that could lead to future manifestations of racial discrimination.

32. The failure to sensitize the majority to cultural diversity through, for example, instruction in the history, culture, religions and languages of minorities and migrants, can lead to an overemphasis of the relevance of the majority culture and an undervaluing of alternative cultures. Children are therefore ill-equipped to understand and cope with the diversity present in society which in turn could increase fear and intolerance. Alternatively, instruction in minority and migrant cultures and languages can benefit children, including those of the majority, by broadening their world view, improving their understanding of the demography of their own country, and fostering a deeper appreciation of the other cultures around them.[37] Moreover, the teaching of minority and migrant cultures to all children helps create an environment that actively includes these children, first of all in the classroom, and then in the society generally.

33. This fact has recently informed education policy in some countries.[38] For example, in Italy, education policy has moved beyond multicultural education that targets different ethnic groups with specific education programmes, to intercultural education which encourages all students to consider diversity as valuable through viewing culture comparatively.[39] Intercultural education in Italy has been developed within the framework of a policy of Education for Development which has been implemented since 1975. Education for Development, rather than adding a new subject to existing curricula, encourages curiosity amongst students and promotes dialogue on cultural diversity.[40] With the increase of immigration in the 1980s, matters relating to immigration, racism and the education of immigrant children have gained prominence in Education for Development activities.

34. When put into practice, intercultural education requires a revision of existing curricula. On an operational level, history, literature and geography curricula have to be extended to cover different ages, regions and writings. On a practical level this requires revision of texts, training of teachers and the involvement of all people involved in education, from the school to community groups, parents and teachers.[41] While results of implementing the policy have been mixed, intercultural education is a significant step in recognizing the need for the majority culture to adjust as part of the intercultural experience.[42] This fact is key in combating racial discrimination in education and in society generally.

II. THE EFFECTS OF RACIAL DISCRIMINATION ON CHILDREN OF MINORITIES AND MIGRANT WORKERS IN THE FIELD OF EMPLOYMENT

A. Acts of racial discrimination

35. Again, there has been a general lack of research on racial discrimination against children of minorities and migrants in the field of employment, resulting in a paucity of available data. One possible explanation is that many of the effects of racial discrimination in employment are relevant to both children and adults, and so researchers have not restricted their terms of reference solely to children. Another reason is that much research regarding children and employment focuses on child labour - in other words, the struggles faced by children who are employed under an age legally accepted by the international community. Child employment can therefore be categorized as the employment of under-age children - child labour - and the legal employment of people who are under the age of 18. It must be emphasized that in focusing on racial discrimination in both these categories of children, this report in no way endorses the employment of under-age children.

36. In relation to the question of child labour - that is, the use of under-age workers from migrant and minority backgrounds - CRC has noted cases of employers targeting children of minorities and migrant workers as under-age labour.[43] While child labour itself is not considered a question of racial discrimination, where employers are taking advantage of the children on the basis of their vulnerability as members of minority or migrant communities, then the issue of child labour can also be seen as a problem of racial discrimination.[44]

37. In some situations, economic exploitation of the children of minorities and migrants has extended to sexual exploitation. For example, CRC has noted the problem of trafficking children across borders for sexual and economic exploitation.[45] In these situations, racial discrimination - the abuse of the vulnerability of children due to their race, colour, nationality, descent or ethnicity - is exacerbated by the trauma caused to the child as a result not only of economic but also sexual exploitation.

38. States have a responsibility in these situations to ensure that domestic law and practice comply with the relevant Conventions, including those of the International Labour Organization in relation to the employment of minors.[46]

39. Other manifestations of racial discrimination facing child workers of minority or migrant backgrounds relate to people under the age of 18 legally employed according to international standards. Such acts of racial discrimination include: (a) employers giving preference to job seekers from the majority background in their hiring policy; (b) employers offering lower wages to children on the basis of their status as minority or migrant workers; (c) employers offering poorer terms of employment to child workers on the basis of their status as minority or migrant workers; (d) abusive treatment of migrant or minority child workers on the basis of their race, colour, nationality, descent or ethnicity either by employers or co-workers; (e) promotions being influenced by racial criteria; and (f) child workers from minority and migrant backgrounds being unfairly dismissed or being targeted for redundancy programmes.[47]

B. The effects of racial discrimination

40. Racial discrimination, when combined with child labour, can have serious consequences for minority and migrant children. For example, the targeting of children from minority and migrant backgrounds can encourage children to drop out of school early. While this might be as a result of a need to combat poverty, in the long term it could affect the chances of those children in adult life to be promoted because of a lack of sufficient schooling. As children belonging to migrants and minorities are disproportionately from poor backgrounds, this could have the effect of reinforcing cycles of poverty.[48] The sexual exploitation of minority and migrant children can also lead to psychological problems and, as a result, even greater difficulties integrating into society later. Further, sexual exploitation of children can in turn lead to those children learning abusive behaviour and practising it on other vulnerable children later in life.

41. Racial discrimination in the workplace can have serious effects on the careers of the children of minorities and migrant workers. Racially discriminatory hiring practices by employers, for example, can have the effect of decreasing the employment prospects of children from minority and migrant backgrounds.[49] Where minority and migrant children are offered fewer opportunities and poorer terms of employment than other employees, hardship in the workplace is increased. For example, where there is a dispute with the employer, weaker terms can reduce the bargaining power of the employee. Similarly, where minority and migrant children are relegated to jobs with lower rates of remuneration or fewer opportunities on the basis of their race, colour, nationality, descent or ethnicity, this can impede upward mobility and diminish their capacity to advance economically in later adult life.

42. Racial discrimination in the workplace can impact psychologically on affected children. For example, it can lead to social isolation which can result in depression. Where employees are victimized, racial discrimination can cause stress, anger and fatigue which eventually can detract from the quality of work. Where discrimination results in employees being passed over for promotion on the basis of their race, colour, nationality, descent or ethnicity, the employee might suffer a lack of motivation. For children entering the workforce upon reaching working age, the effects of racial discrimination can have a profound effect and mark their careers for years to come.

III. RECOMMENDATIONS

43. There is currently a lack of information and data related to children that is disaggregated according to race, minority or migrant status. As a result, thorough analysis of the effect of racial discrimination against minority and migrant children in education, training and employment is currently precluded. The major focus of these recommendations therefore is to encourage the systematic collection, exchange and analysis of data at the national, regional and international levels to assist the development of effective policies and strategies to combat racial discrimination against children of minorities and migrant workers in the areas of education, training and employment.

A. Collection of information

44. The organization of statistics and indicators and their disaggregation by migrant, racial, national, ethnic or minority background will significantly improve the identification of problems and the development of policy at the national, regional and international levels. States should therefore be encouraged to collect and disseminate data specifically related to the situation of children of minorities and migrant workers in education, training and employment including data on the age of school-leaving, literacy levels, participation of specific groups in vocational training, and rates of unemployment in comparison to the general community with a breakdown by gender and minority or migrant groups.

45. States having difficulty collecting data should consider seeking technical assistance for that purpose from the United Nations system or other appropriate international organizations.[50]

46. National human rights commissions, race relations commissions, children's rights bodies or other relevant institutions should include in their mandates the study and collection of data on the situation of racial discrimination against the children of minorities and those of migrant workers in the fields of education, training and employment. National institutions are further encouraged to promote the active participation of civil society, especially minority and migrant groups, in the process of information collection and exchange.

47. United Nations treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, should consider systematically placing specific emphasis, beyond present levels, on the examination of racial discrimination against the children of minorities and those of migrant workers in the fields of education, training and employment.

48. NGO coalitions and representative organizations of minority and migrant communities are encouraged to gather and prepare information for treaty bodies on country situations as they relate to the situation of racial discrimination against the children of minorities and migrant workers.

49. The Special Rapporteurs on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and on the human rights of migrants should consider focusing specific attention on the situation of the children of minorities and migrants in the fields of education, training and employment within the terms of their respective mandates.

50. International organizations that collect data on education, training and employment, and on children generally, including ILO, UNDP, UNESCO, UNICEF and OHCHR, as well as international non-governmental organizations, should consider breaking down data according to national, ethnic or migrant background where possible. The availability of such information will be an important contribution to further research done in the area of human rights by international and non-governmental organizations alike.

B. Exchange of information

51. States parties should make disaggregated statistical data on minority and migrant children available to the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child, where this is not already the case.

52. Studies and data collection undertaken by NGOs, labour unions, national human rights institutions, race relations commissions and government departments such as labour ministries should be provided to appropriate regional and international forums. In particular, information on best practices on ways of preventing and combating racial discrimination should be made available regionally through relevant regional organizations such as the Council of Europe, the Organization of African Unity and the Organization of American States, as well as internationally through United Nations bodies such as OHCHR and UNICEF and specialized agencies such as ILO.[51]

C. Research

53. Vocational training centres and universities should be encouraged to contribute to the collection and analysis of data through empirical research at the country level on the effects of racial discrimination against children. Similarly, vocational training centres and universities should develop courses dealing with racial discrimination in education, training and employment. Such research and course work should be developed partly with a view to contributing to the identification of appropriate national strategies to combat racial discrimination against children.

54. The United Nations Secretariat and the specialized agencies should consider undertaking a study on the use of the Internet as a positive force in assisting the children of minorities and migrant workers to overcome the problems of racial discrimination. Such a study should build on the conclusions of the 1997 Expert Seminar on the Role of the Internet in light of the Provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.[52]

55. The United Nations Secretariat and the specialized agencies should consider undertaking empirical studies to improve the availability of information and data concerning the effects of racial discrimination in the workplace as it affects the children of minorities and migrant workers.

D. Policy development

56. States should be encouraged to develop policy in the area of education and training through the implementation of the following:

(a) A code of conduct against racial discrimination. States should encourage employers, employees, minority and migrant communities, civil society, trade unions and other relevant organizations and individuals to formulate codes of conduct to prevent and combat racial discrimination in the workplace;

(b) Affirmative action schemes. States should be encouraged to introduce and implement effectively affirmative action schemes to ensure increased employment opportunities for members of traditionally disadvantaged minority and migrant communities in both the public and private sectors and to advance the social, political, economic and educational status of members of these communities.[53] Affirmative action schemes should include the objective of achieving equality of opportunity and parity in employment levels between all groups, minority and majority;

(c) Minimum age. States should clearly indicate in legislation and regulations the minimum working age to assist in ensuring that the children of minorities and migrant workers are not exposed to racial discrimination by being targeted, because of their vulnerability, as child labour. States should provide for labour inspectors to conduct spot investigations of enterprises to check compliance with minimum age requirements. Special focus is needed on those industries that have a greater tendency to employ under-age workers, particularly from migrant backgrounds.[54] Special attention should be paid to ensuring economic opportunities and alternatives for families and communities at particular risk;

(d) Rights awareness. Information relating to human rights, specifically rights concerning racial discrimination as well as labour rights, should be made available to employees in both the public and private sectors and should be visibly posted in the workplace in both official and minority or migrant languages. Information, such as the texts and explanations of the relevant international and regional Conventions, should also be made available to minority and migrant groups, relevant government officials, and to employers and trade unions;

(e) Targeting employers. Labour ministries should seek out employers willing to engage employees from minority or migrant backgrounds, as a step in establishing employment schemes targeted at working-age children of minorities and those of migrant workers experiencing higher than average unemployment rates.

57. Education policy should be developed to promote intercultural education with the objective of promoting tolerance and understanding between all cultures, whether minority or majority. Curricula developed for the teaching of minority and migrant history, culture and languages should not be restricted to children from particular minority or migrant communities. All children, whether or not they are from minority or migrant communities, should have instruction in minority and migrant culture, history, customs and religions and, where practicable, language, as a means of promoting respect and understanding for all individuals and communities represented in a particular State.

F. Treaty ratification

58. All States should be encouraged to ratify all the principal human rights instruments.[55] In particular, States should be encouraged to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families so that the latter can come into force as soon as possible.[56]

59. States that have already ratified the principal human rights instruments should be encouraged to implement them rigorously and to ensure that reservations are kept to a minimum and do not detract from the Convention's overall objectives.

Notes

[1] See general recommendation XIV adopted by the Committee on the Elimination of Racial Discrimination at its forty-second session, 1993. In "Compilation of general comments and general recommendations adopted by human rights treaty bodies" (HRI/GEN/1/Rev.3), para. 1.

[2] Ibid., para. 2.

[3] There are currently 155 parties to the Convention.

[4] See "Study on the effects of racial discrimination in the field of education, training and employment as it affects the children of minorities, in particular those of migrant workers" (A/42/492), report of the Secretary-General, 22 September 1987; Sandro Costarelli, Children of Minorities: gypsies, Innocenti Insights 1, UNICEF International Child Development Centre (ICDC), Florence, Italy, 1993; Paolo Basurto, Deprivation and Discrimination, Innocenti Insights 2, ICDC, 1995; Rodolfo Stavenhagen, Double jeopardy: the children of ethnic minorities, Innocenti Occasional Papers, Child Rights Series 10, ICDC, 1994; Maggie Black, Children and Families of Ethnic Minorities, Immigrants and Indigenous Peoples: Global Seminar Report, Innocenti Global Seminar 7, Florence, Italy, ICDC, 1997; Minority Rights International and UNICEF, Education Rights and Minorities, ICDC, 1994; ILO, "Minority Workers", report III (1B), International Labour Conference, 87th session, 1999.

[5] These and other international instruments relevant to the field include the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, ILO Convention (No. 111) on Discrimination in Respect of Employment and Occupation, ILO Convention (No. 143) Migrant Workers (Supplementary Provisions) Convention, and the UNESCO Convention against Discrimination in Education.

[6] For example, The State of the World's Children 1999, which focused on education, sets out statistics concerning children's education on a country-by-country basis according to literacy, number of students per 1,000 population, primary school enrolment and secondary school enrolment. These, however, are not broken down according to different national, ethnic, racial, religious, linguistic or other relevant groupings.

[7] See report of the Working Group on Indigenous Populations on its sixteenth session (E/CN.4/Sub.2/1998/16).

[8] Minority Rights Group International and UNICEF, supra note 4, p. 31 f.

[9] Ibid., p. 32.

[10] Ibid., p. 26. For example, in India new history texts were prepared for use in States controlled by the sectarian Bhartiya Janata Party. The MRG study quotes K. Kumar, "Hindu revivalism in north-central India", in M.E. Marty and R.S. Appleby (eds.) Fundamentalism and Society, University of Chicago, 1993, p. 555, which states "The revivalists depict the Mughals as foreigners and oppressors, and interpret Indians' achievement of freedom from English rule as but the latest episode in a long ongoing struggle to free India from foreign influences. Muslims are, by this interpretation, the contemporary incarnation of the Mughal pattern of dominance".

[11] See Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1999/15), 15 January 1999, para. 83. The Special Rapporteur noted that in the Czech Republic, Slovakia and Hungary, for example, disproportionate numbers of Roma children are relegated to second-class educational facilities - special schools - designed for pupils said to be suffering from intellectual or behavioural deficiencies. The result is a system of de facto racial discrimination in education. See also the fourteenth report of Finland to CERD (CERD/C/320/Add.2), 20 July 1998, which noted that decisions to transfer Roma children in Finland to special schools are often made on too slight grounds.

[12] Save the Children UK, Denied a Future? The Right to Education for Roma, Gypsy and Traveller Children (to be published later in 2000).

[13] See e.g. the observation by CERD that a large number of Haitians living in the Dominican Republic and subjected to different forms of racial discrimination, including the denial of basic economic and social rights such as the right to education; the Committee noted that darker-skinned Dominicans also suffered racial discrimination (see CERD/C/55/Misc.53/Rev.1, 31 August 1999) . See also the country analysis of Costa Rica by CRC (CRC/C/A/COS/2), 17 September 1999, which noted the situation of Nigaraguans living in Costa Rica for whom a main issue of concern was access to education.

[14] In its periodic report to CRC (CRC/C/65/Add.2), 20 February 1998, the Government of Honduras noted in respect of Honduras that many indigenous children and children from ethnic groups had no access to primary education as there was no school in the community. Similarly, in the case of Cambodia, minorities in mountainous regions suffered from low levels of instruction (see CRC/C/11/Add.16, 24 June 1998).

[15] CRC/C/65/Add.2, ibid.

[16] Minority Rights Group and UNICEF, supra note 4, p. 31.

[17] See Susanne Glending, Denmark and the Convention on the Rights of the Child, Red Barnet (Save the Children Denmark).

[18] Defence for Children International, Rights of Palestinian Children in Times of Peace, DCI/Palestinian Section, Ramallah, 1999.

[19] See the ninth report of Colombia (CERD/C/332/Add.1), 17 November 1998, which noted that the indigenous content of school curricula was inadequate. Further, the periodic report of Honduras to CRC (CRC/C/65/Add.2) stated that the languages of indigenous peoples and ethnic groups were not spoken in class, which had the effect of favouring the majority culture and failing to develop other cultures and customs.

[20] See e.g. European Roma Rights Center, Roma Rights, Newsletter of the European Roma Rights Center, Roma and the Right to Education, Budapest, summer 1998.

[21] See the ninth report of Finland to CERD (CERD/C/320/Add.2).

[22] See e.g. eighth report of Portugal to CERD (CERD/C/314/Add.1), 17 November 1998.

[23] See the ninth report of Colombia to CERD (CERD/C/332/Add.1) which noted that schools were not incorporating indigenous communities' socio-cultural features into school curricula or providing primary education in the communities' mother tongues. Illiteracy rates amongst the indigenous were 44 per cent.

[24] Save the Children, Children's Rights: Reality or Rhetoric? The UN Convention on the Rights of the Child: The First Ten Years, The International Save the Children Alliance, London, United Kingdom, p. 240.

[25] Ibid., p. 258.

[26] Basurto, supra note 4, p. 79. The statistics quoted relate to the 1993 indigenous census of Colombia and the 1992 indigenous census of Venezuela as well as other statistics covering indigenous communities in Guatemala, Bolivia and Chile.

[27] Ibid, p.193. The report notes that the former Yugoslav Republic of Macedonia pursues a forward-thinking education policy in providing most students with the opportunity of studying in their own language. However, the report also notes that the system hinders the development of multiculturalism and fails to address the issue of inter-ethnic tolerance.

[28] Ibid., p. 274.

[29] See e.g. ninth report of Colombia to CERD (CERD/C/332/Add.1), noting that indigenous people wanting to enter higher education faced adjustment problems and were often unable to meet minimum requirements set by the Colombian Institute for the Promotion of Higher Education.

[30] See concluding observations of CERD concerning Finland (CERD/C/54/Misc.28/Rev.2), 16 March 1999. See also the concluding observations of CERD concerning Romania (CERD/C/55/Misc.27/Rev.3), 19 August 1999, which noted concern since no improvements had been made to the high unemployment rates and low educational level traditionally predominant among members of the Roma.

[31] See e.g. CERD's concluding observations concerning Italy (CERD/54/Misc.32/Rev.3), 18 March 1999, and the fourteenth report of Finland (CERD/C/320/Add.2).

[32] Save the Children United Kingdom, supra note 12.

[33] See e.g. the periodic report of Norway to CRC (CRC/C/70/Add.2), 12 November 1998, which notes that the development of the Sami people is endangered by a failure to include Sami language and culture in education curricula.

[34] See the initial report of Slovakia to CRC (CRC/C/11/Add.17), 17 August 1998, which notes that many Roma do not speak Roma, owing to the fact that parents do not communicate in Roma as they think that could cause problems for children at school. At the same time, the children cannot speak the language of instruction effectively.

[35] Report of the Working Group on Indigenous Populations, supra note 7, paras. 52 ff.

[36] Black, supra note 4, p. 25.

[37] See e.g. the ninth report of Colombia to CERD (CERD/C/332/Add.1) which noted that educational curricula in Colombian schools were not adapted to Afro-Colombian communities' socio-cultural characteristics. Also, curricula failed to take into account the world view of indigenous peoples or to provide instruction in indigenous mother tongues. Similarly, in relation to Chile, language courses were not offered to immigrants. This meant that first-generation Koreans had less education in the local language which reduced their capacity to integrate into local society. See the fourteenth report of Chile to CERD (CERD/C/337/Add.2).

[38] Basurto, supra note 4, p. 77. Brazil, Colombia, Argentina, Bolivia and Paraguay have all given greater attention in their education policies to cultural and linguistic diversity with particular reference to indigenous cultures.

[39] Ibid., p. 58.

[40] Ibid., p. 63.

[41] Ibid., p. 69. Interestingly, intercultural education can also have negative effects on migrant or minority children. The report cites (p. 65) the experience of a teacher of a class in Italy that included a child from a Pakistani background who tried to introduce an intercultural approach by highlighting Pakistani culture in all aspects of the class. The approach ultimately failed as the child felt he was being put on stage, claiming "I'm sick of being Pakistani. I just want to be a child".

[42] Ibid.

[43] For example in Mexico, CRC in its country analysis (CRC/C/A/MEX/2), 11 June 1999, has noted that although child labour is prohibited by article 173 of the Mexican Constitution, it remains widespread, especially in the agricultural areas of the northern States where there are a large number of migrant workers from other areas of Mexico.

[44] See also Barbados Human Rights Practices, Information from Government Sources, Barbados, 1995, which noted that while the legal minimum age for employment of 16 was generally observed, there were instances of children, especially amongst migrant worker families, assisting in agricultural production during peak season. The Labour Department had a small cadre of labour inspectors who conducted on-the-spot investigations of enterprises to check compliance with the law. The inspectors had the power to take legal action against employers found to be exploiting under-age workers.

[45] See CRC country analysis of Mexico, supra note 43, which noted the trafficking of children across the Mexican/United States border for economic and commercial sexual exploitation. According to the Special Rapporteur on the sale of children, child prostitution and child pornography, Mexico's Minister for Foreign Affairs pointed out that the illegal crossing of children has been recognized as a problem by authorities on both sides of the border. However, sufficient cross-border cooperation has not yet been developed.

[46] Similarly, see the concluding observations of CRC on the report of Mexico (CRC/C/15/Add.13), 7 February 1994, in which the Committee expressed alarm at the large number of children who had been forced, in order to survive, to live and work in the streets. The Committee found that domestic law and its application in practice did not appear to be in conformity with the provisions of the Convention and the ILO Conventions relating to the employment of minors.

[47] See e.g. the fourteenth report of Finland to CERD (CERD/C/320/Add.2) noting that immigrants had difficulties in obtaining and keeping jobs because of their migrant background and discrimination by employers and co-workers. Similarly, in its concluding observations on the report of Peru (CERD/C/304/Add.69), 13 April 1999, CERD noted that jobs and promotions were often influenced by racial criteria, while certain minor jobs were left to persons of indigenous or African origin.

[48] See e.g. the concluding observations of the Committee for the Elimination of Discrimination against Women (CEDAW) on the report of Turkey (A/52/38/Rev.1, paras. 160-206) in which the Committee noted the generally very low minimum age for employment of women which contravened the relevant ILO Conventions. It also noted that a lack of measures to integrate urban migrant female workers into the labour markets, persistent occupational segregation in lower-paid jobs, and the high level of unemployment of these women persisted in impeding their upward mobility and further reinforced discrimination against women, including migrant women, in the labour market.

[49] See e.g. the fourteenth report of Finland to CERD (CERD/C/320/Add.2) which noted that the high unemployment rate among immigrants was aggravated by prejudice on the part of employers against immigrants.

[50] See e.g. the concluding observations of CRC on the report of Kuwait (CRC/C/15/Add.96), 26 October 1998. The Committee was concerned that insufficient measures had been adopted for the development of indicators and the systematic collection of disaggregated data to monitor the impact of policies adopted with respect to children, including the children of minorities and migrant families. The Committee recommended that the State party consider seeking technical assistance from UNICEF in the development of such a system.

[51] Information on best practices was provided to CRC, for example, and noted in its country analysis of Germany (M/CRC/C/AN.Ger/1), 12 June 1995. In Germany, measures adopted to overcome difficulties facing the children of migrant workers include: (a) the establishment of preparatory classes, with both the mother tongue and German as teaching languages; (b) the establishment of remedial classes and intensive courses; (c) the introduction of supporting measures outside school such as homework assistance and play afternoons; (d) the development of suitable teaching material for foreign pupils; (e) the employment of teachers from the country of origin of migrant workers; (f) the provision of further training for German teachers that takes into account the special problems of teaching foreign children.

[52] E/CN.4/1998/77/Add.2.

[53] See concluding observations of CERD on the report of Colombia (CERD/C/55/Misc.43/Add.3), 20 August 1999.

[54] See Barbados Human Rights Practices, supra note 44, which notes that labour inspectors in that country can conduct on-the-spot inspections of enterprises and take legal action against employers found to have under-age workers.

[55] The "principal" human rights instruments to be ratified are: International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of Discrimination against Women, Convention on the Rights of the Child and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

[56] The Convention requires 20 signatories before it can come into force. As of 31 January 1999, there were 12 States parties to the Convention

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